

**TOWN OF SULLIVAN TOWN BOARD
PUBLIC HEARING ORDER**

At a Regular Meeting of the Town Board of the Town of Sullivan, Madison County, New York, held at the Town Hall, located at 7507 Lakeport Road, Chittenango, New York on October 20, 2021 at 5:00 P.M.

The meeting was called to order by the Supervisor, and upon roll being called, there were:

PRESENT:	John M. Becker	Supervisor
	John E. Bruzuskiewicz	Councilor
	Thomas J. Kopp Jr.	Councilor
	Kerry Ranger	Councilor
	Jeffrey Martin	Councilor

**IN THE MATTER OF
AN INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED FOR
“THE TOWN OF SULLIVAN - HAMILTON BROWN/BUSHNELL SHORE
WATER IMPROVEMENT PROJECT” PURSUANT TO
ARTICLE 12-C OF THE NEW YORK STATE TOWN LAW**

Councilor Martin moved and Councilor Bruzuskiewicz seconded the following resolution:

WHEREAS, a Map, Plan and Report has been duly prepared in such manner and in such detail as heretofore has been determined by request of the Town Board of the Town of Sullivan, New York (the “Town”), relating to the creation and construction, pursuant to Town Law Article 12-C (§209-q), of water system improvements to be known and identified as the “Town of Sullivan - Hamilton Brown/Bushnell Shore Water Improvement Project” (the “Water Improvements”); and

WHEREAS, such Water Improvements include those described in the Town Engineer’s Map, Plan and Report and consist generally of approximately 6,900 feet of 8” water main with 6 hydrants on Hamilton Brown Road and approximately 1,200 feet with 3 hydrants on Bushnell Shore Road, all being areas currently with no access to public water and consisting of approximately 28± properties; and

WHEREAS, such Water Improvements are to be constructed and owned by the Town; and

WHEREAS, said Map, Plan and Report have been prepared by Dunn & Sgromo Engineers, PLLC, the Town Engineers who are a competent engineering firm duly licensed by the State of New York, and has been filed in the office of the Town Clerk where it is available for public inspection, and

WHEREAS, the proposed Water Improvements consist of the improvements more particularly set forth in the Map, Plan and Report and as described by Deed of Conveyance and in the areas of the Town as set forth above (using tax map numbers of the benefitted parcels), presently on file in the Office of the Town Clerk and are located as specifically described in the attached Schedule “A”; and

WHEREAS, the Town Board previously authorized the construction of the Water Improvements at a maximum amount proposed to be expended of Eight Hundred Thousand and 00/100 Dollars (\$800,000.00); and

WHEREAS, the Town Board previously made application to the New York State Department of Audit and Control (NYS Comptroller) for permission to form the Water District in compliance with the statutes in such cases and pursuant to 2 NYCRR Part 85; and

WHEREAS, upon review, the NYS Comptroller approved the construction of the Water Improvements at an estimated maximum cost of Eight Hundred Thousand and 00/100 Dollars (\$800,000.00); and

WHEREAS, pursuant to Article 12-C the Town Board is authorized to increase the maximum amount proposed to be expended for said Water Improvements subject to certain procedures outlined therein, including holding a public hearing relative to the increase in the maximum amount proposed to be expended; and

WHEREAS, the increase in the maximum amount proposed to be expended is necessitated by the increase in labor and material costs resulting from numerous economic factors including the COVID-19 pandemic; and

WHEREAS, although the maximum amount proposed to be expended will increase, the cost to the typical property is not estimated to increase as the Town Board is proposing to use stimulus monies received from the Federal Government and other funding sources to offset the proposed increase in the maximum amount and accordingly no additional borrowing is proposed; and

WHEREAS, the maximum amount proposed to be expended for the creation and construction of the Water Improvements is estimated to increase from the previous amount of Eight Hundred Thousand and 00/100 Dollars (\$800,000.00) to the new amount of Nine Hundred Sixty Thousand and 00/100 Dollars (\$960,000.00) and the plan of financing includes the issuance of bonds of the Town to finance said cost and the assessment, levy and collection of special assessments (pursuant to Town Law §209-q(8)) shall be borne entirely by the properties located within the described benefitted areas including the several lots and parcels of land within said benefitted areas as associated with the Water Improvements, which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, all as shown on the attached financing plan (Schedule “B”) as set forth in said Map, Plan and Report and further that the Town of Sullivan Town Board has determined to seek and obtain public sources of funding and financing through the United States Department of Agriculture - Rural Development (“USDA-RD”) and/or the New York State Environmental Facilities Corporation (“NYSEFC”), if applicable, as well as other sources, for the construction and administrative costs associated with the creation of the Water Improvements and that any final order of the Town Board for construction of the Water Improvements will be conditioned upon obtaining an actual cost to the “typical property” (as defined in the Town Law) of Nine Hundred Thirty-Five and 00/100 Dollars (\$935.00) per unit (or less) and that if such additional grant monies and funding are not obtained and the cost of typical

property is not at or below Nine Hundred Thirty-Five and 00/100 Dollars (\$935.00) per unit, then the Town Board shall not authorize the construction of said Water Improvements; and

WHEREAS, the estimated cost of the Water Improvements to the “typical property” (as defined in the Town Law) is Nine Hundred Thirty-Five and 00/100 Dollars (\$935.00) annually; and

WHEREAS, that the estimated cost of the Water Improvements to the typical two-family home is One Thousand Eight Hundred Seventy and 00/100 Dollars (\$1,870.00); and

WHEREAS, that the estimated cost of hook-up fees is Two Thousand and 00/100 Dollars (\$2,000.00); and

WHEREAS, the cost and expenses of operation and maintenance (being an additional expense) of said Water Improvements, shall be a function of charges to the benefitted property owners by the Onondaga County Water Authority (OCWA) and shall not be a general charge against the Town; and

WHEREAS, the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk a detailed explanation of how such estimates were computed; and

WHEREAS, the creation and construction of the Water Improvements was previously determined to be a Type I action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board previously gave due consideration to the impact that such creation and construction of the Water Improvements may have on the environment and on the basis of such consideration, the Town Board previously determined that there would be no environmental impacts associated with the project and adopted a Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED that a hearing of the Town Board of said Town of Sullivan shall be held at the Town Hall located at 7507 Lakeport Road, Chittenango, New York on the 3rd day of November, 2021 at 6:00 P.M., or as soon thereafter as the matter can be heard, to consider an increase in the maximum amount to be expended for the proposed Town of Sullivan - Hamilton Brown/Bushnell Shore Water Improvement Project from Eight Hundred Thousand and 00/100 Dollars (\$800,000.00) to the new amount of Nine Hundred

Sixty Thousand and 00/100 Dollars (\$960,000.00) herein referred to and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and it is further

RESOLVED AND DETERMINED that the Town Clerk cause a copy of this order to be published once in the Oneida Daily Dispatch, a newspaper having a general circulation in the Town and previously designated as the official newspaper of the Town for such purposes; to also post a copy thereof on the Town’s official signboard maintained pursuant to §30(6) of the Town Law; and to further place a copy of this order upon the Town’s website, all as certified by the Town Clerk, the first publication thereof and said posting are to be not less than 10 nor more than 20 days before the day designated for the hearing as aforesaid, all in accordance with the provisions of the Town Law; and it is further

RESOLVED AND DETERMINED that the Town Clerk file a certified copy of this order with the Comptroller of the State of New York on or about the date of publication and posting of a copy of this order.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

John E. Bruzuskiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: October 20, 2021

SCHEDULE "A"

The Hamilton Brown/Bushnell Shore Water District, situated in the Town of Sullivan, Madison County and State of New York, being more particularly described as follows:

Bushnell Shore Road

Commencing at a Point of Beginning, said Point being on the southeastern corner of Parcel 9.-3-8.12, in the Town of Sullivan; said point also being on the westerly highway boundary of Bushnell Shore Road;

1. Thence westerly along the southern boundary of Parcel 9.-3-8.12 to the southwestern property corner of said Parcel;
2. Thence northerly along the western boundaries of Parcels 9.-3-8.12, 9.-3-8.11, 9.-3-8.7, 9.-3-8.6, and 9.-3-8.51 to the northwestern property corner of Parcel 9.-3-8.51;
3. Thence easterly along the northern boundary of Parcel 9.-3-8.51 to the northeastern property corner of said Parcel, said point being the western boundary of the Bushnell Shore Road right-of-way;
4. Thence northerly along the western boundary of the Bushnell Shore Road right-of-way to a point, said point being the westerly projection of the northern boundary of Parcel 9.-3-8.9;
5. Thence easterly across the Bushnell Shore Road right-of-way to the easterly highway boundary and the northwest property corner of Parcel 9.-3-8.9;
6. Thence easterly along the northern boundary of Parcel 9.-3-8.9 to the northeastern property corner of said Parcel;
7. Thence southerly along the eastern boundary of Parcel 9.-3-8.9 to the southeastern property corner of said Parcel;
8. Thence westerly along the southern boundary of Parcel 9.-3-8.9 to the southwestern property corner of said Parcel; said point being the eastern boundary of the Bushnell Shore Road right-of-way;
9. Thence southerly along the eastern boundary of the Bushnell Shore Road right-of-way to the northwestern property corner of Parcel 9.-3-8.42;
10. Thence easterly along the northern boundary of Parcel 9.-3-8.42 to the northeastern property corner of said Parcel;
11. Thence southerly along the eastern boundary of Parcel 9.-3-8.42 to the southeastern property corner of said Parcel;
12. Thence westerly along the southern boundary of Parcel 9.-3-8.42 to the southwestern property corner of said Parcel; said point being the eastern boundary of the Bushnell Shore Road right-of-way;
13. Thence westerly across the Bushnell Shore Road right-of-way, on a projection of the southern boundary of Parcel 9.-3-8.42, to the western highway boundary of Bushnell Shore Road;

14. Thence northerly along the western boundary of the Bushnell Shore Road right-of-way to the southeastern corner of Parcel 9.-3-8.12, said point also being the Point of Beginning.
15. Including part or all of the following Parcels on the east and west sides of Bushnell Shore Road in the Town of Sullivan:

East side:	9.-3-8.42	West side:	9.-3-8.11
	9.-3-8.9		9.-3-8.12
			9.-3-8.51
			9.-3-8.6
			9.-3-8.7

Hamilton Brown Road

Part A: Commencing at a Point of Beginning, said Point being on the southwestern corner of Parcel 9.5-1-2, in the Town of Sullivan; said point also being on the eastern highway boundary of Hamilton Brown Road;

1. Thence easterly along the southern boundary of Parcel 9.5-1-2 to the southeastern property corner of said Parcel;
2. Thence northerly along the eastern boundary of Parcel 9.5-1-2 to the northeast property corner of said Parcel;
3. Thence easterly to a point 300 feet east of the easterly highway boundary of Hamilton Brown Road;
4. Thence northerly through Parcels 3.-3-77.11 and 3.3-77.12 parallel to Hamilton Brown Road to the northern boundary of Parcel 3.-3-77.11;
5. Thence westerly along the northern boundary of Parcel 3.-3-77.11 to the easterly boundary of the Hamilton Brown Road right-of-way;
6. Thence easterly across the right-of-way of Hamilton Brown Road to the northeastern property corner of Parcel 3.-3-74;
7. Thence easterly along the northern boundary of Parcel 3.-3-74 to the northwestern property corner of said Parcel; said point also being a property corner of Parcel 3.-3-73.1;
8. Thence easterly along the northern boundary of Parcel 3.-3-73.1 to a point that is 300 feet west of the western boundary of Hamilton Brown Road;
9. Thence southerly across Parcel 3.-3-73.1 parallel to Hamilton Brown Road to a southern boundary of Parcel 3.-3-73.1 and the northern boundary of Parcel 3.-3-75;
10. Thence easterly along the northern boundary of Parcel 3.-3-75 to the northeastern property corner of said Parcel; said point also being a property corner of Parcel 3.-3-73.1;
11. Thence southerly along the eastern boundary of Parcel 3.-3-75 and a western boundary of Parcel 3.-3-73.1 to the northern boundary of Parcel 3.-3-76;
12. Thence westerly along the northern boundary of Parcel 3.-3-76 to a point 300 feet west of the western boundary of Hamilton Brown Road;

13. Thence southerly across Parcels 3.-3-76 and 8.-2-41 parallel to Hamilton Brown Road to the southern boundary of Parcel 8.-2-41;
14. Thence easterly along the southern boundary of Parcel 8.-2-41 to the southeastern property corner of said Parcel; said point being the western boundary of the Hamilton Brown Road right-of-way;
15. Thence easterly across the Hamilton Brown Road right-of-way on a projection of the southern boundary of Parcel 8.-2-41, to the eastern highway boundary of Hamilton Brown Road; said point also being the western boundary of Parcel 3.-3-77.11;
16. Thence southerly along the eastern highway boundary of Hamilton Brown Road to the southwest corner of Parcel 9.5-1-2; said point also being the Point of Beginning.

Part B: Commencing at a Point of Beginning, said Point being on the southwestern corner of Parcel 4.54-1-12, in the Town of Sullivan;

1. Thence easterly along the southern boundary of Parcel 4.54-1-12 to the southeastern property corner of said Parcel; said point being on the western shoreline of Oneida Lake;
2. Thence northerly along the Oneida Lake shoreline, and the eastern boundaries of Parcels 4.54-1-12, 4.54-1-11, 4.54-1-10, 4.54-1-9, 4.54-1-8, 4.54-1-6, 4.54-1-5.1, 4.54-1-4, 4.54-1-3, 4.54-1-2, and 4.54-1-1 to the northwestern property corner of Parcel 4.54-1-1;
3. Thence southerly along the western boundary of 4.54-1-1 to the southwestern property corner of said Parcel; said point being the northern highway boundary of Hamilton Brown Road;
4. Thence southerly across the right-of-way of Hamilton Brown Road to a corner of Parcel 3.-3-62; said point being on the western boundary of Parcel 4.54-1-2 and on the southern boundary of the Hamilton Brown right-of-way;
5. Thence southerly along the western boundaries of Parcels 4.54-1-2, 4.54-1-4, 4.54-1-5.1, 4.54-1-6, 4.54-1-8, 4.54-1-9, 4.54-1-11, and 4.54-1-12 to the southwestern corner of Parcel 4.54-1-12; said point also being the Point of Beginning.
6. Including part or all of the following Parcels on the east and west sides of Hamilton Brown Road in the Town of Sullivan:

Part A:	3.-3-73.1	Part B:	4.54-1-1
	3.-3-73.2		4.54-1-2
	3.-3-73.3		4.54-1-3
	3.-3-74		4.54-1-4
	3.-3-76		4.54-1-5.1
	3.-3-77.11		4.54-1-6
	3.-3-77.12		4.54-1-8
	8.-2-41		4.54-1-9
	9.5-1-2		4.54-1-10
			4.54-1-11
			4.54-1-12

Town of Sullivan
Hamilton Brown/Bushnell Shore Water District Improvement Project

With USDA Funding Preliminary Budget

October 19, 2021

I.	Construction Costs:		
	Hamilton Brown Road	- 6,900 feet (20.0 units)	
	Bushnell Shore Road	- <u>1,200 feet (5.0 units)</u>	
	Total	8,100 feet of waterline	= \$731,000(per

2021 bid)

II. Contingency – 10% = \$ 75,000

III. Soft Costs – 20% = \$150,000

IV. Total Project Cost **Use \$960,000**

V. WIA Grant = **\$480,000**

VI. Town of Sullivan Funding = **\$160,000**

VII. Water District Unit Costs

1. Hydrant Rental – 9 hydrants @ \$80 each (**subject to change by OCWA**) = \$720/year

2. MWB Levy – .0001 x total district assessment (approximately \$3 million) = \$ 300/year

3. Project Cost Financing for \$320,000 with USDA-RD²
a. 38-year loan @ 3.0% (.0444) (estimated for 2022) = \$14,208/year

4. Total Annual District Cost: = \$15,228

5. Units = 25 (approximate)

6. Annual Unit Cost: = **\$609**

VIII. Other Costs:

1. Water Use Per Unit = \$325/year (typical single-family home) (**subject to change by OCWA**)³.

2. Meter Installation Fee = \$200 or \$250 (one time charge) (**subject to change by OCWA**)

3. Individual Private Water Service and Plumbing = varies

IX. Annual cost to typical property (water use + debt service) = \$ **934¹**.

¹ 2020 New York State Comptroller's Limit (2021 New York State Comptroller's Limit = \$887).

² Rates and amounts subject to change by USDA-RD (estimated for 2022, market financing rate).

³ Based on OCWA's 2021 Rate Schedule 2A, with a daily water use of 130 gpd with inflation for 2022.

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF MADISON)

I, the undersigned Deputy Town Clerk of the Town of Sullivan, Madison County, New York, **DO HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in the Office of the Town Clerk of the Town of Sullivan, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on October 20, 2021.

s/JILL DOSS, Deputy Town Clerk